

Little Traverse Conservancy

Approvals, Interpretations, and Amendments



The only difference between conservation easement landowners and other private property landowners is that they must adhere to the constraints that have been outlined in their conservation easement documents. Understanding these terms, the conservation easement landowner can otherwise manage their property as they choose. In some cases, landowners must submit an action plan for Conservancy review and approval before they can undertake that certain action. Other situations may arise when a landowner is unsure if their proposed action is allowed by the easement and so they seek the Conservancy's interpretation of the easement in light of their proposal. In rare circumstances, landowners have sought to have the easement document amended. Below are Little Traverse Conservancy's positions regarding Approvals, Interpretations, and Amendments.

Approvals

Approvals are situations where landowners must seek prior consent before engaging in an otherwise permissible activity. Construction and forestry activities are typical reserved rights which require prior consent. Often when landowners desire to retain forest management rights, the conservation easement requires that a forest management plan be completed and submitted to the Conservancy. Once we have this plan and have reviewed it, the landowner has our approval for carrying out the task described in the management plan. These plans help ensure that the forest management activities will sustain the conservation values the easement was established to protect and it provides us with a guide as we monitor the property through time.

Interpretations

There may be situations where a landowner is uncertain about the meaning of certain lines or wording in a conservation easement document. This could be because a new circumstance has arisen that wasn't foreseen when the easement was drafted or it could be that the landowner is not the original landowner who established the easement and is not aware of the intentions with a certain clause. Landowners are encouraged to contact LTC's conservation easement program for an interpretation of a clause before proceeding with any action with which they have uncertainty on whether it is allowed under the easement. We refer to the stated terms and conservation values in the easement and in some situations, opinions from our legal counsel to guide our interpretations.

Amendments

Little Traverse Conservancy is entrusted with holding conservation easements for the purpose of protecting land permanently, for perpetuity. Therefore, it is LTC's policy that amendments to conservation easements should be used on a very limited basis and only for special circumstances. Amendments must enhance the conservation values of the property in some manner.